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Indian Bureau. Letter from the Secretary of the Interior, transmitting a communication relative to the re-organization of the Office of Indian Affairs

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INDIAN BUREAU.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

A communication relative to the re-organization of the office of Indian affairs.

FEBRUARY 11, 1851.

Laid upon the table, and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
February 11, 1851.

SIR: I have the honor to transmit herewith a communication from the Commissioner of Indian Affairs, and to recommend the measures therein set forth to the favorable consideration of the committee and of Congress.

Very respectfully, your obedient servant,

ALEX. H. H. STUART,
Secretary.

HON. R. W. JOHNSON,
*Chairman Committee Indian Affairs,
House of Representatives of the United States.*

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, February 10, 1851.

SIR: In my late annual report, your attention was briefly called to the fact that a complete re-organization in this branch of the public service, and an additional number of clerks, were indispensably necessary to the proper and prompt discharge of its greatly augmented and increasing duties. The recent addition of the immense number of Indians in Texas, Oregon, California, Utah, and New Mexico to the charge of the department, has so greatly extended its operations and increased the duties of the office that the present force is manifestly inadequate. There can be no doubt that at least 200,000 Indians have been thus added; and the establishing and management of proper relations with them will ere long fully double the labor of the office. At this time the business can scarcely be kept up, although several extra clerks are employed, and much of the labor is performed out of the usual office hours.

The number of clerks now authorized by law is eleven, though, for several years, a twelfth has been employed, whose salary has been paid out of funds belonging to the Chickasaw Indians. Four more are indispensably necessary; and even that number will be insufficient, unless liberal salaries are granted, so as to secure the services of persons of more than ordinary capacity and experience. From the character of the business of the office, mere mechanical proficiency is comparatively of trifling importance. The greater part of it is complicated and difficult, and, for its proper execution, demands intellect, judgment, and discretion—to secure which liberal salaries must be given. Two of the additional clerks, therefore, should be allowed a salary of \$1,600 each, one \$1,400, and the fourth \$1,200 per annum. A fifth salary of \$1,400 should also be provided in lieu of that paid out of the Chickasaw fund. By the treaty with the Chickasaws in 1834, it was provided that their lands should be sold, and the net proceeds invested in stocks for their benefit. To carry this provision of the treaty into effect, some additional labor was imposed on this and other offices, and on that ground several clerks were employed, and paid out of their funds. But, as the business which occasioned their employment has some time since been substantially finished, there is no longer any excuse for continuing an arrangement which was of doubtful propriety in the first instance; and I earnestly recommend that the payment of these clerks out of the funds of said Indians be at once discontinued.

There is no reason why the salary of the chief clerk of this office should be less than that allowed to the chief clerks of other bureaux. The high responsibilities of his office, and its arduous labors, fully entitle him to the largest measure of compensation allowed to any other clerk of his grade, and I respectfully recommend that provision be made accordingly.

The first formal organization ever given to the "Indian Department," was that prescribed by the act of June 30, 1834. Prior thereto its operations were loose, irregular, and confused. Great difficulty was, of course, experienced in reducing its chaotic elements to order; and the committee which had charge of the subject and prepared the law, state, in their able and elaborate report, that the organization proposed was to be regarded as only an approximation to a perfect system; much being left to executive discretion, and more to future legislation. Beyond providing for a few additional agents, rendered necessary by changes in the locations of some of the tribes, and the extension of our intercourse and relations to others not originally embraced in the organization, but little has since been done by legislation to remedy the defects which time and experience have developed. The necessity for material changes has for some time been felt, and various recommendations to that effect have been made by several of my predecessors. Without such changes, to a greater or less extent, and an additional clerk force in this office, it will be impracticable to conduct the affairs of the department in the prompt and efficient manner which the welfare of the Indians and the interests of the government require.

Experience has shown that the system of acting superintendencies is impolitic, and ought to be ultimately abolished. The duties of Territorial governors and of agents are often incompatible with those of superintendents. Separate and distinct officers of the latter class are of the most essential importance in aiding to detect and prevent abuses, and

giving harmony and energy to the operations of the department. Most of those operations are carried on at far distant points, where there are none of the conservative and restraining influences arising out of the constant observation of a watchful civilized community. Hence there is peculiar liability to abuses in this branch of the public service; the best safeguard against which is an adequate number of active and efficient superintendents, who, untrammelled by conflicting engagements, can devote their whole time and attention to the particular duties of their important and responsible offices.

The act of June 30, 1834, created but one full superintendent of Indian affairs; but it was provided that one of the agents west of the Mississippi might be required to act in that capacity; and the superintendency of all the Indians and agencies west of that river was divided between these two officers. The northern division was assigned to the superintendent, and the southern to the acting superintendent. The duties of the latter were imposed on the agent for the Choctaws—one of the largest and most important of our colonized tribes; and, when it is considered that there are ten tribes and upwards of 80,000 Indians within this division, it is quite obvious that he cannot possibly discharge his twofold duties of agent and superintendent.

When the Territory of Wisconsin was organized, in 1836, the governor was constituted *ex officio* superintendent for the Indians within its limits, embracing several tribes west of the Mississippi, previously within the northern superintendency; while the agent at Mackinac, in Michigan, was made acting superintendent for all the Indians in that State. On the establishment of the Territorial government of Iowa, the governor was made superintendent *ex officio* of the tribes within that Territory, consisting of those west of the Mississippi previously embraced in the Wisconsin superintendency. Thus there were at one time five superintendencies for the Indians within our then limits east of the Rocky mountains. When Wisconsin and Iowa became States, the superintendencies therein *ipso facto* ceased; nor was any other provided until the governor of Minnesota became superintendent for the Indians within that Territory, which, however, embraced only portions of those formerly within the superintendencies of Iowa and Wisconsin. Since the admission of the latter into the Union, the large number of Indians remaining in that State have been without any superintendency. The fluctuations and changes indicated, resulting from the inherent instability and incongruity of the system, are unavoidably productive of serious embarrassment and injury to the government and the Indians. To remedy these and other evils, I respectfully recommend that in lieu of the three *ex officio* and acting superintendents, provision be made for the appointment of two distinct superintendents in addition to the one now authorized by law. These three officers should each receive an annual salary of at least \$2,000.

Owing to the changes that have taken place in the relative positions of many of the tribes, the present organization of agencies is ill adapted to the existing condition of things. Sub-agencies have been merged in agencies, tribes have been transferred from one agency to another, and great inequality of duties and responsibilities prevails, unjust to individuals, prejudicial to the public service, and requiring a new and different organization. To this end I earnestly recommend that, in lieu of the

twenty-three agents and sub-agents heretofore employed, there be appointed seventeen agents; eleven of whom shall be allowed a salary of \$1,500 each, and six a salary of \$1,000 each. The salaries of interpreters should be slightly increased, as it is often impossible to obtain the services of competent persons for the small compensation now allowed by law. Those in California, Oregon, Utah, and New Mexico, should be allowed a salary of \$500, and those elsewhere employed a salary of \$400.

It is hoped that the measures proposed will be readily adopted, as they would certainly give increased efficiency to the operations of the department, reduce the number of its officers, and largely curtail its expenses.

The business of negotiating treaties with the Indian tribes has heretofore been attended with manifold abuses and an incalculable waste of public money. To put a stop to these mischiefs, it is highly desirable that all such treaties shall hereafter be negotiated by regular officers of the department, without additional compensation therefor.

The preceding remarks relate mainly to the organization and operations of the department within our boundaries as they existed when the act of June, 1834, was passed. Turning to our newly acquired Territories, I cannot too strongly express my convictions of the necessity for the immediate appointment of several agents for the Indians in New Mexico, and one, at least, for those in Utah. The laws regulating trade and intercourse with the Indian tribes should also be extended over the Indians within these Territories without further delay.

By the eleventh article of the treaty of Guadalupe Hidalgo, the United States solemnly agreed forcibly to restrain, whenever necessary, all Indian incursions within the limits of Mexico; and for the purpose of giving to this and other stipulations the fullest possible efficacy, it is further provided that the government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require. The failure of the government to comply with the stipulations of this treaty is not only a dishonoring breach of national faith, but is likely to subject it to enormous expense. If I am correctly informed, there are persons now actively engaged in the business of buying up claims of Mexican citizens, predicated on spoliations committed by our Indians, which, by the treaty aforesaid, the United States "solemnly obliged themselves to restrain." That these spoliations are of frequent occurrence is well known, and it is difficult to perceive any ground on which the government can honestly avoid making compensation for them.

Very respectfully, your obedient servant,

L. LEA, *Commissioner.*

HON. A. H. H. STUART,
Secretary of the Interior.